

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN ROE, et al.,

Plaintiffs,

v.

BERKELEY UNIFIED SCHOOL
DISTRICT,

Defendant.

Case No. 15-cv-03871-TEH

**ORDER DENYING APPLICATION
FOR TEMPORARY RESTRAINING
ORDER; SETTING SCHEDULE FOR
PRELIMINARY INJUNCTION
BRIEFING; AND REQUIRING
PLAINTIFF TO FILE NARROWLY
TAILORED SEALING REQUESTS**

Plaintiffs today filed their complaint, application for temporary restraining order, and request to file documents under seal. First, Plaintiffs request leave to proceed pseudonymously and to file all pleadings under seal except the complaint and a sealing order. The Court GRANTS the request for leave to proceed pseudonymously but DENIES the request to file all documents under seal. Requests to file documents under seal “must be narrowly tailored to seek sealing only of sealable material.” Civ. L.R. 79-5(b). Plaintiffs’ request to seal all pleadings clearly fails this requirement. Accordingly, Plaintiffs shall submit a narrowly tailored administrative motion to file under seal, in compliance with Civil Local Rule 79-5(d), no later than **August 31, 2015**.

On the merits, Plaintiffs’ complaint is based on Defendant’s placement of Plaintiff Jason Roe at a particular school for the 2015-16 academic year. However, the academic year does not begin until September 2, 2015, and Plaintiffs do not even purport to allege that any harm would occur prior to the start of the school year. Accordingly, the application for a temporary restraining order is DENIED. Instead, the Court will set an expedited briefing and hearing schedule on a motion for preliminary injunction as follows:

1. Plaintiffs’ application for a temporary restraining order will be construed as a motion for preliminary injunction unless Plaintiffs file a new motion for preliminary injunction on or before **August 26, 2015, at 2:00 PM**.


2. Defendant's opposition shall be filed on or before **August 28, 2015, at 12:00 noon.**

3. Plaintiffs' reply shall be filed on or before **August 31, 2015, at 12:00 noon.**

4. Oral argument will be held on **September 1, 2015, at 1:30 PM**, in Courtroom No. 2, 450 Golden Gate Avenue, San Francisco, CA 94102.

IT IS SO ORDERED.

Dated: 08/25/15


THELTON E. HENDERSON
United States District Judge